IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3777 OF 2004
IN
FIRST APPEAL NO.1090 OF 2003

The Oriental Insurance Co.Ltd., ..Appellants

Versus

1. Shri Pritam Rajiv Shetty

2. Rajendra Sambhaji Naikar ..Respondents

Mr.S.M.Vidyarthi for the appellants.

Mr.V.R.Shetty for Respondent No.1.

Coram : S.B.Mhase &
R.S.Mohite,JJ

Date : 1.11.2004.

PC

. Heard both sides.

1. The learned Advocate for respondent no.1 states that the respondent no.1 was a Pillion rider and he met with an accident. Respondent no.1 who is present in the court submitted that he has suffered a damage to pelvic bones urethra and 3 operations were carried out. He claims that the amount of compensation as deposited may be allowed to be withdrawn and further appellant be directed to deposit the amount of Rs.16,703/-. The learned Advocate for the appellant submits that there was a

collusion of 3 vehicles and other 2 vehicles have not been joined as a party. He further submitted that those 2 vehicles do not seem to have insurance. He further submitted that there is no dis-ability and the respondent is working day to day. However, looking to the circumstances, what we find is that it would be appropriate to release the amount of a medical expenses incurred by respondent no.1 at this stage. The respondent no.1 has stated that he has spent Rs.1,30,000/- on his operations. Therefore, we are inclined to release the amount of Rs.1,50,000/-. Hence, we pass the following order :-

O R D E R

. Out of the total amount deposited, Rs.1,50,000/- be released in favour of Pritam Rajiv Shetty who is respondent no.1 in this application. The rest of the amount be invested in the nationalised bank initially for a period of 3 years and if the matter is not disposed of within 3 years, office is directed to renew the amount thereafter year to year basis till the final disposal of Appeal. Registrar (Judicial) is hereby directed to send the amount of Rs.25,000/- deposited in this court to the Motor Accident Claims Tribunal, Mumbai and the said Tribunal shall include this amount in the above referred amount and invest it as directed above.

. Civil application disposed of accordingly. First appeal expedited.

. Parties to act on an ordinary copy of this order duly authenticated by the P.S./Sheristedar of this court as a true copy.

(R.S.Mohite,J) **(S.B.Mhase,J)**